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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,761	08/15/2000	Mayumi Noguchi	1341.1059/JDH	4065

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EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

3

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/639,761	NOGUCHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Wen-Tai Lin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-13 are presented for examination.
2. Claims 1-13 are objected to because the following terms lack antecedent basis:
  - In claim 1, "the relevant information generation apparatus";
  - In claim 1, "the preset priority";
  - In claim 4, "the preset priority";
  - In claim 8, "the relevant information generation apparatus";
  - In claim 11, "the relevant information";
  - In claim 11, "the preset priority";
  - In claim 12, "the relevant information generation apparatus";
  - In claim 12, "the preset priority";
  - In claim 13, "the relevant information"; and
  - In claim 13, "the preset priority".

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al. (hereafter "Krishnamurthy") [U.S. Pat. No. 6421676].

5. As to claim 1, Krishnamurthy teaches the invention substantially as claimed including: an information collection apparatus which collects information via transmission lines from a plurality of information generation apparatuses [104-108, Fig.1; note that due to Krishnamurthy's hierarchical information collection structure, the down-stream collectors can be viewed as "information generation apparatuses" relative to their up-stream collectors], wherein each of said information generation apparatus has a generation-side information storage unit which stores the information generated due to its specific generation factor [302, Fig.3; col.3, lines 16-23], said information collection apparatus comprising:

- a table storage unit which stores a priority definition table in which respective priorities of said plurality of information generation apparatuses are defined [402, 404, Fig.4; col.5, lines 14-21; col.6, lines 21-38 and 57-65];
- an information collection unit which refers to the priority definition table upon reception of a notice from any of said information generation apparatuses in which the amount of information stored on said generation-side information storage unit is available [Abstract: lines 5-10; col.5, lines 1-41], and collects the information stored on the generation-side information storage unit of the

relevant information generation apparatus only when the priority of the relevant information generation apparatus is higher than the preset priority [col.6, lines 21-57]; and

- a collection-side information storage unit which stores the information collected by said information collection unit [112-114, Fig.1A; Fig.3].

Krishnamurthy does not specifically teach that the information generation apparatus issues the availability of data to its upstream collector when the locally stored data has reached a predetermined amount. However, Krishnamurthy teaches that current time (i.e., relative to scheduled time), current load, available depot space, and available threads are factors for determining uploading of data [col.5, lines 22-41]. As such, it is obvious to one of ordinary skill in the art that Krishnamurthy's down-stream collectors (or information generation apparatuses) must issue data availability to their up-stream collectors when each of the local storages has reached a predetermined level, because each local storage unit has limited space.

6. As to claims 2-3, Krishnamurthy does not specifically teach how to make use of the lowest priority information generation apparatus as substitute for an erroneous collection unit.

However, Krishnamurthy teaches that collecting routing path may be based on static routing map or one that is dynamically evaluated based on network loading [col.6, lines 11-20; col.5, lines 4-13], which may take into account the priority of the collection. Since the lowest priority information generation apparatus normally engages in

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collection of non-critical information [col.6, lines 34-38], it is obvious that Krishnamurthy's routing manager is capable of finding a substitute collection unit that has the lowest priority, because under Krishnamurthy's dynamic network-loading-based algorithm and priority assignment to information generation apparatuses the lowest priority apparatus would become the most available unit resulting from Krishnamurthy's routing evaluation process.

7. As to claims 4-13, since the features of these claims can also be found in claims 1-3, they are rejected for the same reasons set forth in the rejection of claims 1-3 above.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Niemi et al. [U.S. Pat. No. 6470388];

Pyotsia et al. [U.S. Pat. No. 6317701]; and

Deese [U.S. Pat. No. 3818458].

9. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday(8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)305-9678. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(703)746-5516 for status inquires draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

October 14, 2003

Wen-Tai Lin  
10/14/03